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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CERVETTI, DAVID GARCIA	

ART UNIT	PAPER NUMBER
2136	

MAIL DATE	DELIVERY MODE
09/03/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/782,529	CHAUHAN ET AL.	
	Examiner	Art Unit	
	David Garcia Cervetti	2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9,13-15 and 17-24* is/are rejected.

7)☒ Claim(s) *10,11,25 and 26* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/3/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed June 3, 2008, have been fully considered but they are not persuasive.

2. Claims 1-5, 7-11, 13-15, and 17-26 are pending and have been examined. Claims 6, 12, and 16 have been canceled.

Response to Amendment

3. The objections to the drawings are withdrawn, and the admission that they illustrate prior art is acknowledged.

4. Regarding the objection to the specification, the argument that they are not **intended** to be browser executable, ignores the fact that **they are** browser executable. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

5. The objection to claims 7 and 22 is withdrawn.

6. Regarding claims 15 and 17-26, they remain rejected under 35 U.S.C. 101. As stated, they claim a "system", however, a system comprising only software not embodied in a tangible form, is non-statutory. Claim 15 comprises only 2 modules that are software, thus is software, not tangibly embodied on any storage media, or a system with no processing capabilities (i.e. no processor or CPU). Arguments are not persuasive.

7. Regarding claims 1 and 17, Herrera teaches using rules to manage field and associated values, which reads on determining a most restrictive data type, age as being integer or floating point data type, etc., or validating that an age value has to be

between a pre-specified constraint, i.e. "Constraints 414 define conditions that should be true regarding values assigned to fields. Constraints 414 also define the actions that occur if the conditions are violated" (Herrera, par.79). Similar argument applies to claims 7 and 22, and 13 and 15.

8. Regarding the 103 rejection, Herrera teaches generating rules, see above, and Brand teaches re-writing rules that after analyzing the work flow and the variables and associated values, determines whether re-writing is required (col. 8, lines 58-67, col. 9).

Information Disclosure Statement

9. **Applicant is reminded that an applicant's duty of disclosure of material and information is NOT satisfied by presenting a patent examiner with "a mountain of largely irrelevant [material] from with he is presumed to have been able, with his expertise and with adequate time, to have found the critical [material]. It ignores the real world conditions under which examiners work."** Rohm & Haas Co. v. Crystal Chemical Co., 722 F.2.d 1556, 1573 [220 USPQ 289] (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). (Emphasis in original). Patent applicant has a duty not just to disclose pertinent prior art references but to make a disclosure in such a way as not to "bury" it within other disclosures of less relevant prior art; See Golden Valley Microwave Foods Inc. v. Weaver Popcorn Co. Inc., 24 USPQ2d 1801 (N.D. Ind. 1992); Molins PLC v. Textron Inc., 26 USPQ2d 1889, at 1899 (D.Del. 1992); Penn Yan Boats, Inc. v. Sea Lark Boats, Inc. et al., 175 USPQ 260, at 272 (S.D. Fl. 1972).

10. Eliminate clearly irrelevant and marginally pertinent cumulative information. If a long list is submitted, highlight those documents which have been specifically brought to

applicant's attention and/or are known to be of most significance. See Penn Yan Boats, Inc. v. Sea Lark Boats, Inc., 359 F~ Supp. 948, 175 USPQ 260 (S.D. Fla. 1972), aft'd, 479 F.2d 1338, 178 USPQ 577 (5t" Cir. 1973), cert. denied, 414 U.S. 874 (1974). But cf. Molins PLC v. Textron Inc., 48 F. 3d 1172, 33 USPQ2d 1823 (Fed. Cir. 1995).

11. Examiner has made a best effort to consider the large number of references submitted.

12. Please note due to the large number of references disclosed in the IDS (6/3/2008), applicant is requested to include a concise explanation of relevance indicating the references to be of most significance.

Specification

13. The disclosure is objected to because it contains embedded hyperlinks (pars. 38, 72, 75, 80, etc.) and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 101

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 15 and 17-26 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 15 and 17-26 are not limited to tangible embodiments. In view of applicant's disclosure, specification (page 25, par. 84), the system may be hardware or a combination of hardware and software.

As such, the claims are not limited to statutory subject matter and are therefore non-statutory.

16. To expedite a complete examination of the application, the claims rejected under 35 U.S.C. 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

Claim Rejections - 35 USC § 102

17. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

18. Claims 1, 4-5, 7, 13-15, 17, and 20-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Herrera et al. (US Patent Application Publication 2004/0015463, hereinafter Herrera).

Regarding claims 1 and 17, Herrera teaches

a computer-implemented method / system for filtering messages routed across a network, the messages including field name-value pairs, the method / system comprising **(pars. 4-7, inferencing service for applications, receive input, applying rule, determine validity)**:

(a learning engine for) extracting field name-value pairs from the messages **(pars. 76-78, classes w/ fields/values)**;

determining, for values of the same field name, a most restrictive data type of the values **(pars. 78-82, determine constraints for fields)**; and

storing the data type in association with the field name **(pars. 106-108, assigning type/values to fields)**/ and

a message filter, for generating a rule which would allow messages having values of a field name that match the most restrictive data type **(pars. 100-102, generating rule snapshot)**.

Regarding claims 7 and 22, Herrera teaches

a computer-implemented method / system for filtering Uniform Resource Locator (URL) messages routed across a network, wherein the messages include URL components, the method / system comprising **(pars. 4-7, inferencing service for applications, receive input, applying rule, determine validity)**:

(a learning engine) extracting URL components from the messages **(pars. 76-78, classes w/ fields/values, par. 102-103, URL input)**;

determining, for URL components at the same level, with the same root URL component, a most restrictive data type of the URL component **(pars. 78-82, determine constraints for fields)**; and

storing the data type in association with the URL component **(pars. 106-108, assigning type/values to fields)**/ and

a message filter, for generating a rule which would allow messages having the URL components that match the most restrictive data type **(pars. 100-102, generating rule snapshot)**.

Regarding claims 13 and 15, Herrera teaches

a computer-implemented method / system for inferencing a data type of scalar objects, the method / system comprising **(pars. 4-7, inferencing service for applications, receive input, applying rule, determine validity)**:

determining a match factor for a data type, the match factor indicating a fraction of scalar objects that match the data type **(pars. 350-352, matching rule and values)**; and

selecting a most restrictive data type having a match factor exceeding a threshold and having no child data types with a match factor exceeding the threshold **(pars. 152-154, determine datatype associated w/ field and value associated w/ field)**.

Regarding claims 4 and 20, Herrera teaches wherein the determining step further comprises:

determining a match factor for a data type, the match factor indicating a fraction of values for the same field name that match the data type **(pars. 350-352, matching rule and values)**; and

selecting a data type having a match factor exceeding a threshold and having no child data types with a match factor exceeding the threshold **(pars. 152-154, determine datatype associated w/ field and value associated w/ field)**.

Regarding claims 5, 21, and 14, Herrera teaches wherein the threshold is a fraction of values for the same field name which should match the data type / a fraction of scalar objects which should match the data type **(pars. 152-154, determine datatype associated w/ field and value associated w/ field)** .

Claim Rejections - 35 USC § 103

19. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

20. Claims 2-3, 8-9, 18-19, and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrera, and further in view of Brand et al. (US Patent 7,089,542, hereinafter Brand).

Regarding claims 2 and 18, Herrera does not expressly disclose generating a rule which would allow messages having values of a field name that match the most restrictive data type. However, Brand teaches generating a rule which would allow messages having values of a field name that match the most restrictive data type **(col. 8, lines 5-50, constraint solver)**. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate rules to match certain conditions in the system of Herrera. One of ordinary skill in the art would have been motivated to perform such a modification to determine constraints are consistent (Brand, col. 2, lines 51-67, col. 3, lines 1-5).

Regarding claim 3, the combination of Herrera and Brand teaches applying the rule to determine whether to allow messages having values for a field name that match the most restrictive data type **(Brand, col. 8, lines 5-50, constraint solver, remembers type constraint for field and evaluates them)**.

Regarding claim 19, Herrera does not expressly disclose applying the rule to determine whether to allow messages having values for a field name that match the most restrictive data type. However, Brand teaches applying the rule to determine

whether to allow messages having values for a field name that match the most restrictive data type **(col. 8, lines 5-50, constraint solver, remembers type constraint for field and evaluates them)**. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate rules to match certain conditions in the system of Herrera. One of ordinary skill in the art would have been motivated to perform such a modification to determine constraints are consistent (Brand, col. 2, lines 51-67, col. 3, lines 1-5).

Regarding claims 8 and 23, Herrera does not expressly disclose generating a rule which would allow messages having the URL components that match the most restrictive data type. However, Brand teaches generating a rule which would allow messages having the URL components that match the most restrictive data type **(col. 8, lines 5-50, constraint solver)**. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate rules to match certain conditions in the system of Herrera. One of ordinary skill in the art would have been motivated to perform such a modification to determine constraints are consistent (Brand, col. 2, lines 51-67, col. 3, lines 1-5).

Regarding claim 9, the combination of Herrera and Brand teaches applying the rule to determine whether to allow messages having the URL components that match the most restrictive data type **(Brand, col. 8, lines 5-50, constraint solver, remembers type constraint for field and evaluates them)**.

Regarding claim 24, Herrera does not expressly disclose applying the rule to determine whether to allow messages having the URL components that match the most

restrictive data type. However, Brand teaches applying the rule to determine whether to allow messages having the URL components that match the most restrictive data type **(col. 8, lines 5-50, constraint solver, remembers type constraint for field and evaluates them)**. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to generate rules to match certain conditions in the system of Herrera. One of ordinary skill in the art would have been motivated to perform such a modification to determine constraints are consistent (Brand, col. 2, lines 51-67, col. 3, lines 1-5).

Allowable Subject Matter

21. Claims 10, 11, 25, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

22. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

23. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David García Cervetti whose telephone number is (571)272-5861. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on (571)272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David García Cervetti/
Examiner, Art Unit 2136

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2136